

HOUSE BILL 172

E1

11r0123
CF SB 173

By: **The Speaker (By Request – Administration) and Delegates Anderson, Arora, Barkley, Clippinger, Davis, Dumais, Lee, Mitchell, Niemann, Reznik, Waldstreicher, and Wilson**

Introduced and read first time: January 26, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Diminution Credits – Possession of a Regulated Firearm by**
3 **Person Convicted of Crime of Violence**

4 FOR the purpose of decreasing the number of days per month that an inmate serving
5 a term of confinement that includes a consecutive or concurrent sentence for a
6 crime of possession of a regulated firearm by a certain person prohibited from
7 possessing a regulated firearm is allowed as a deduction in advance from the
8 inmate's term of confinement; making stylistic changes; and generally relating
9 to possession of firearms by certain persons and diminution credit eligibility.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–704
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 5–133
18 Annotated Code of Maryland
19 (2003 Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

23 3–704.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) An inmate shall be allowed a deduction in advance from the inmate's
2 term of confinement.

3 (b) (1) The deduction allowed under subsection (a) of this section shall be
4 calculated:

5 (i) from the first day of commitment to the custody of the
6 Commissioner through the last day of the inmate's term of confinement;

7 (ii) except as provided in paragraph (2) of this subsection, at the
8 rate of 10 days for each calendar month; and

9 (iii) on a prorated basis for any portion of a calendar month.

10 [(2) If an inmate's term of confinement includes a consecutive or
11 concurrent sentence for a crime of violence as defined in § 14-101 of the Criminal Law
12 Article or a crime of manufacturing, distributing, dispensing, or possessing a
13 controlled dangerous substance in violation of §§ 5-602 through 5-609, § 5-612, or §
14 5-613 of the Criminal Law Article, the deduction described in subsection (a) of this
15 section shall be calculated at the rate of 5 days for each calendar month.]

16 **(2) THE DEDUCTION DESCRIBED IN SUBSECTION (A) OF THIS**
17 **SECTION SHALL BE CALCULATED AT THE RATE OF 5 DAYS FOR EACH CALENDAR**
18 **MONTH IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR**
19 **CONCURRENT SENTENCE FOR:**

20 **(I) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE**
21 **CRIMINAL LAW ARTICLE;**

22 **(II) A CRIME OF MANUFACTURING, DISTRIBUTING,**
23 **DISPENSING, OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN**
24 **VIOLATION OF §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE CRIMINAL**
25 **LAW ARTICLE; OR**

26 **(III) A CRIME OF POSSESSING A REGULATED FIREARM BY A**
27 **PERSON IN VIOLATION OF § 5-133(C) OF THE PUBLIC SAFETY ARTICLE.**

28 (c) A deduction under this section may not be allowed for a period during
29 which an inmate does not receive credit for service of the inmate's term of
30 confinement, including a period:

31 (1) during which the inmate's sentence is stayed;

32 (2) during which the inmate is not in the custody of the Commissioner
33 because of escape; or

1 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
2 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article.

3 (2) A person who violates this subsection is guilty of a felony and on
4 conviction is subject to imprisonment for not less than 5 years, no part of which may
5 be suspended.

6 (3) A person sentenced under paragraph (1) of this subsection may not
7 be eligible for parole.

8 (4) Each violation of this subsection is a separate crime.

9 (d) (1) Except as provided in paragraph (2) of this subsection, a person
10 who is under the age of 21 years may not possess a regulated firearm or ammunition
11 solely designed for a regulated firearm.

12 (2) Unless a person is otherwise prohibited from possessing a
13 regulated firearm, this subsection does not apply to:

14 (i) the temporary transfer or possession of a regulated firearm
15 or ammunition solely designed for a regulated firearm if the person is:

16 1. under the supervision of another who is at least 21
17 years old and who is not prohibited by State or federal law from possessing a firearm;
18 and

19 2. acting with the permission of the parent or legal
20 guardian of the transferee or person in possession;

21 (ii) the transfer by inheritance of title, and not of possession, of
22 a regulated firearm;

23 (iii) a member of the armed forces of the United States or the
24 National Guard while performing official duties;

25 (iv) the temporary transfer or possession of a regulated firearm
26 or ammunition solely designed for a regulated firearm if the person is:

27 1. participating in marksmanship training of a
28 recognized organization; and

29 2. under the supervision of a qualified instructor;

30 (v) a person who is required to possess a regulated firearm for
31 employment and who holds a permit under Subtitle 3 of this title; or

1 (vi) the possession of a firearm or ammunition for self-defense
2 or the defense of others against a trespasser into the residence of the person in
3 possession or into a residence in which the person in possession is an invited guest.

4 (e) This section does not apply to a respondent transporting a regulated
5 firearm if the respondent is carrying a civil protective order requiring the surrender of
6 the regulated firearm and:

7 (1) the regulated firearm is unloaded;

8 (2) the respondent has notified the law enforcement unit, barracks, or
9 station that the regulated firearm is being transported in accordance with the civil
10 protective order; and

11 (3) the respondent transports the regulated firearm directly to the law
12 enforcement unit, barracks, or station.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.